

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re:**

**PURDUE PHARMA, L.P., *et al.*,**

**Debtors.**

)  
) Chapter 11  
)  
) Case No. 19-23649 (RDD)  
)  
) (Jointly Administered)  
)

**DECLARATION OF E. BRYAN SHELDON**

Pursuant to 28 U.S.C. § 1746, I, E. Bryan Sheldon, hereby declare and state as follows under penalty of perjury:

1. I am an Investigator in the Consumer Protection Division of the Maryland Office of the Attorney General (“Division”) assigned to the Division’s opioids investigations. I have worked in the Division as an Investigator since March 2014. I am also an attorney admitted to the Bar of the Court of Appeals of Maryland.
2. The Division has been investigating Purdue Pharma and related entities (“Purdue”) and individuals since 2016. Pursuant to its authority under section 13-405 of the Annotated Code of Maryland, Commercial Law Article, issued an administrative subpoena for documents to Purdue on October 14, 2016. [JX MD\_e]. On April 24, 2019, it issued an additional administrative subpoena to Richard Sackler, Johnathan Sackler, Mortimer Sackler, Kathe Sackler, Ilene Sackler Lefcourt, Beverly Sackler, Theresa Sackler, David Sackler, and the Trust for the Benefit of the Members of the Raymond Sackler Family. JX-1758 is a true and correct copy of the Subpoena issued to the Sackler family members.
3. Maryland also issued a subpoena for an examination under oath to Johnathan Sackler for an examination under oath with which he refused to comply.
4. In response to the subpoena issued to the Purdue pursuant to the provisions of Maryland Code Commercial Law Section 13-405(a), Purdue’s counsel, on behalf of the company, produced documents to the Division that it expressly or implicitly asserted were the responsive documents in the possession of the company.
5. During the course of its investigation into Purdue and the Sacklers, in addition to subpoenaing documentary evidence, the Division has subpoenaed witness testimony, conducted research, and received documents shared by other investigating agencies.
6. The Division initiated an administrative enforcement action on May 16, 2019, alleging Richard Sackler, Johnathan Sackler, Mortimer Sackler, Kathe Sackler, Ilene Sackler Lefcourt, Theresa Sackler, and David Sackler committed unfair and deceptive trade practices in violation of the Maryland Consumer Protection Act. On May 29, 2019, the Division filed an Amended Statement of Charges naming Purdue and its related entities. JX-1753 is a true

and correct copy of our Amended Statement of Charges. True and correct copies of documents in the Administrative Record appear at [JX MD\_e].

7. During the pendency of the administrative enforcement action, the Division intended to complete the collection of additional evidence such as the preparation of testimony of numerous experts and fact witnesses including company employees and health care providers and staff.
8. On September 16, 2019, Purdue counsel filed in the Maryland Office of Administrative Hearings (“OAH”) a Notice of Suggestion of Bankruptcy and Automatic Stay of Proceedings. [JX MD\_e]. This court entered a preliminary injunction enjoining the State’s case against both Purdue and the Sacklers on November 6, 2019. Since that time, the Division has not performed investigative work related to Purdue or engaged in the preparation of witnesses who would be called at the administrative hearing. The proceedings at the OAH have similarly been stayed. [JX-MD\_e] is a true and correct copy of the January 7, 2020 letter from Administrative Law Judge Thidodeau to counsel for Purdue entities, the Sacklers and the Division.
9. Pursuant to the above-mentioned subpoenas and in cooperation with other investigating agencies, the Division has collected hundreds of thousands of documents not including documents received in the bankruptcy. I understand these documents to have been available to the parties in this case.
10. While I understand that the Court will make its own determinations, the Division as a prosecutorial agency has concluded that the evidence as a whole demonstrates that members of the Sackler family pervasively ran all aspects of the company, involving themselves heavily in its specific acts and day to day affairs. Evidence of Sackler involvement in the operations of Purdue can be found, for example, in the following documents:
  - a. JX-1672 Purdue Quarterly Report to the Board 2nd Quarter 2012
  - b. JX-1673 12/15/1998 Email of Kathe Sackler
  - c. JX-1674 Russell Gasdia Email of 10/28/13
  - d. JX-1675 David Rosen Email 7/8/13
  - e. JX-1676 Dr. Richard Sackler email of 1/3/2001
  - f. JX-1677 Dr. Richard Sackler email of 4/8/2001
  - g. JX-1678 Dr. Richard Sackler email of 9/1/2008 (11:06 a.m.)
  - h. JX-1679 7/22/2010 Board of Directors Meeting Agenda - July 20 Draft
  - i. JX-1680 Dr. Richard Sackler email of 9/1/2008 (9:03 a.m.)
  - j. JX-1681 Steven Gruenwald email of 12/8/2017
  - k. JX-1682 Clyde Williams email of 8/10/2017
  - l. JX-1683 OxyContin 2016 Strategy Plan
  - m. JX-1684 2010 Budget Presentation Notes and Actions
  - n. JX-1685 Email of John Stewart
  - o. JX-1686 Email of Richard Sackler
  - p. JX-1687 Email of Edward Mahoney
  - q. JX-1688 Board of Directors meeting agenda 1/30/18

- r. JX-1689 Board of Directors meeting agenda 3/8/2018
- s. JX-1690 Board of Directors meeting agenda 5/2/2018
- t. JX-1691 Board of Directors meeting agenda 8/9/2018
- u. JX-1692 1/15/07 Board meeting minutes
- v. JX-1693 Commercial Budget Meeting presentation draft
- w. JX-1694 Email from Richad Sackler to David Rosen and Russell Gasdia
- x. JX-1695 2008 Rx Factory Forecast
- y. JX-1696 Email from Amir Levin to Richard Sackler, Mortimer Sackler,
- z. JX-1697 Email from Ilene Sackler Lefcourt to Richard Sackler
- aa. JX-1698 Email from David Sackler to Richard Sackler, John Stewart, and Jonathan Sackler
- bb. JX-1699 Email from Richard Sackler to Robert Kaiko, Jonathan Sackler, and Craig Landau
- cc. JX-1700 "Product C Profile"
- dd. JX-1701 Email from Richard Sackler to John Stewart
- ee. JX-1702 Email from Mark Timney to Richard Sackler
- ff. JX-1703 Email from Jonathan Sackler to Richard Sackler, David Sackler
- gg. JX-1704 "Draft Message to the Board"
- hh. JX-1705 Email from Jonathan Sackler To Richard Sackler
- ii. JX-1706 Email from Ilene Sackler Lefcourt to Josephine Martin
- jj. JX-1707 Email from Ilene Sackler Lefcourt to Josephine Martin
- kk. JX-1708 Email from Richard Sackler to Josephine Martin
- ll. JX-1709 Email from Jonathan Sackler to Jon Stewart, Ake Winstrom, David Haddox, Karen Reimer, Craig Landau
- mm. JX-1710 Email from Amy Grandison to Beverly Sackler, Theresa Sackler, Richard Sackler, Ilene Sackler Lefcourt, Kathe Sackler, Jonathan Sackler, Mortimer Sackler, David Sackler, Peter Boer, Cecil Pickett, Paulo Costa, Jacques Theurillat, Maria Barton, Anthony Roncalli, Stuart Baker, Craig Landau
- nn. JX-1711 Purdue Pharma Telling our Story: 2018
- oo. JX-1712 Mundipharma US/ROW Technical Operations, Project Optimal Update Week of June 4, 2018
- pp. JX-1713 Powerpoint Slides beginning w/ "Cumulative Reductions from FTEs from 2013"
- qq. JX-1714 "Exective Compensation Recommendations"
- rr. JX-1715 Email from Ilene Sackler Lefcourt to Alberto Martinez
- ss. JX-1716 Email from Ilene Sackler Lefcourt to Josephine Martin
- tt. JX-1717 Email from Ilene Sackler Lefcourt to Samantha Sackler Hunt, Mariss Sackler, Sophie Dalrymple, Michael Sackler, David Sackler
- uu. JX-1718 Email from Ilene Sackler Lefcourt to Mortimer Sackler
- vv. JX-1719 Email from Ilene Sackler Lefcourt to Jonathan Sackler
- ww. JX-1720 Email from David Haddox to Richard Sackler, John Stewart, Anthony Santopoio
- xx. JX-1721 Draft Presentation re OxyContin ADF Roll Our
- yy. JX-1722 Email from Mark Timney to David Sackler
- zz. JX-1723 Email from J Sackler to David Sackler
- aaa. JX-1724 Email from Taylor Lefcourt to Ilene Sackler Lefcourt

bbb. JX-1725 Email from Ilene Sackler Lefcourt to Samantha Sackler Hunt, Mariss Sackler, Sophie Dalrymple, Michael Sackler, David Sackler  
ccc. JX-1726 Email from Richard Sackler to David Sackler and Ralph Snyderman  
ddd. JX-1727 Deposition of Kathe Sackler 4/1/2019  
eee. JX-1728 Deposition of Russell Gasdia 1/15/2019  
fff. JX-1729 Deposition of Richard Sackler 7/25/2002  
ggg. JX-1730 Deposition of Russell Gasdia 6/27/2008  
hhh. JX-1731 Deposition of Robert Kaiko 11/28/2018  
iii. JX-1732 Deposition of Stuart Baker  
jjj. JX-1733 Russell Gasdia email 4/12/12  
kkk. JX-1734 Raymond-side Updated Net Assets Report  
lll. JX-1735 5/21/2019 Examination of James Gill  
mmm. JX-1750 Examination of Ceanethia Rogers  
nnn. JX-2754 June 8 2016 Mid-Year Meeting  
ooo. JX-2757 MkKinsey Presentation "OxyContin Growth Opportunities"  
ppp. JX-2758 Email of Bert Weinstein  
qqq. [MD\_089] Selected documents from list of documents identified in NCSG document list served on the parties 6/25/2021.

11. The Division also has obtained publicly available documents that relate to the Sacklers' conduct. In particular:

- a. Purdue Pharma LP's 2020 guilty plea and accompanying documents to three federal felony offenses: one count dual-object conspiracy to defraud the United States and violate the Food, Drug, and Cosmetic Act, and two counts conspiracy to violate the Federal Anti-Kickback Statute.
- b. Purdue Frederick Company Inc. and its President, Chief Legal Officer, and former Chief Medical Officer's 2007 guilty plea to misbranding Oxycontin with the intent to defraud or mislead in violation of the Food, Drug, and Cosmetic Act.
- c. JX-2759 is a true and correct copy of a collection of Mundipharma websites that I collected on July 26, 2021.
- d. JX-1744 to JX-1749 is a true and correct copy of pages from the website Judgeforyourselves.com that I collected on July 5, 2021.
- e. Records of payments from Purdue to Maryland healthcare providers, available at <https://openpaymentsdata.cms.gov/>.
- f. Statistics available from the Maryland Department of Health public website demonstrating the number of Maryland citizens who overdose and die from opioids each quarter.

12. The Division also has collected testimonial evidence, in particular:

- a. JX-2759 is a true and correct copy of a collection of transcripts of pharmaceutical sales personnel, health care providers, and staff taken by the Division in its opioids investigations.
  - b. JX-1735 is a true and correct copy of the May 21, 2019 Oral Examination Under Oath of James Gill.
  - c. JX-1750 is a true and correct copy of the May 20, 2019 Oral Examination Under Oath of Ceanethia Rogers.
  - d. JX-1727-1732 are true and correct copies of the deposition transcripts produced to the Division of certain of the Purdue employees and Sackler family members.
13. The Division also has received evidence from the Sackler families' counsel on both sides in the form of presentations and expert materials that assert that the members of the Sackler family, including the directors, were responsible for overseeing compliance and other programs designed to ensure that Purdue's sales and marketing activities were lawful.

I declare under the penalty of perjury that to the best of my knowledge the foregoing is true and correct.

Submitted: August 6, 2021

By: /s/ Bryan Sheldon  
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